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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,651	03/09/2006	Thomas Corbett	ARD128USA	3443

24339 7590 04/09/2007
 JOEL D. SKINNER, JR.
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EXAMINER

BERRY, WILLIE WENDELL JR

ART UNIT	PAPER NUMBER
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3643

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/541,651

Applicant(s)

THOMAS CORBETT

Examiner

Willie W. Berry, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over patent no. 4,837,990 to Peleg in view of patent no. 3,162,920 to Durham.

Peleg discloses a polytunnel system comprising a plurality of cover support members (4); a series of leg members (2) and a cover (6); wherein the cover support members are securable to the leg members at a plurality of different heights (col. 3, lines 30-36); wherein each leg member carries a bracket (10 and 12) which, in turn, carries the associated cover support member; the bracket being securable to the leg member in a range of positions, wherein each bracket (10 and 12) defines a passage through which the associated leg member (2) extends (not numbered, but shown in fig. 2); wherein the bracket defines an opening (not numbered, but shown in fig. 2) and the associated leg member is provided with a series of openings (not numbered, but shown in fig. 2); a fixing pin being locatable within the opening of the bracket and selected one of the openings of the leg member to secure the bracket in a selected position (col. 3, lines 30-36); wherein each bracket includes at least one arm (10) onto or over which part of an associated cover support member can be located; and wherein the ends of

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the cover support members extend generally vertically (not numbered, but shown in fig. 3).

Peleg does not disclose a movable rope and anchorage points.

Durham teaches it is known to have a rope anchorage point (28) in a removable grommet attachment structure for sheet covers.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Peleg to include the teachings of Durham for the purpose of providing a means of securing a covering as stated by Durham in col. 1, lines 25-30.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peleg in view of Durham as applied to claim 1 above, and further in view of patent no. 4,651,466 to Robinson.

Peleg in view of Durham disclose as discussed above.

Peleg in view of Durham does not disclose a bracket having a socket used for receiving a cover support member.

Robinson teaches it is known to have a bracket (40) having a socket (45 and 50) used for receiving a cover support member in a garden bed frame.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Peleg in view of Durham to include the teachings of Robinson for the purpose of substituting one bracket used for supporting a cover support member for another.

Response to Arguments

Applicant's arguments filed 1/12/07 have been fully considered but they are not persuasive. Applicant argues that Peleg does not disclose the height of his tunnel being adjusted with the cover in situ. The examiner disagrees. The examiner feels that Peleg specifically meets this claim limitation at col. 3, lines 30-36. Applicant argues that Durham does not disclose rope anchorage point that is associated with the legs. The examiner disagrees. The examiner feels that as the height is adjusted in Peleg the teachings of Durham are still applicable, which means that the teachings of Durham work in association with the telescopic legs of Peleg and therefore meet the limitations in claim 1.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie W. Berry, Jr. whose telephone number is (571) 272-8974. The examiner can normally be reached on 9:00am to 5:30pm Mon. - Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wbj.
Wbj.

T. D. Collins
Timothy D. Collins
Primary Examiner
3643